IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FIRST DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GHULAM MOHAMMED

WRIT PETITION NO : 10191 of 1994

Between:

Bommana Pydikumar,

S/o.Subbarao, 38 years,

Employer-Bommana Silk Mandir,

4th lane, Brodipet, Guntur,

Guntur District.

..... PETITIONER

AND

1. The Authority under Minimum Wages Act, 1948

and Assistant Commissioner of Labour,

2nd circle, Guntur.

2. Assistant Labour Officer and Inspector

under Minimum Wages Act, 1948,

Guntur.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction, particularly one in the nature of Writ of Certiorari calling for the records relating to order dated 15-10-1993 passed in M.W.Cast No.94/1993 on the file of 1st respondent and quash the same.

For the Petitioner :MR.M.PANDURANGA RAO, Advocate

For the Respondents : GP FOR LABOUR

The Court Made the Following :

THE HON'BLE MR JUSTICE GHULAM MOHAMMED

WRIT PETITION NO : 10191 of 1994

ORDER:

This writ petition is filed assailing the order dated 15-10-1993 passed in M.W.Case No.94 of 1993 by the 1st respondent as illegal, arbitrary and consequently to quash the same.

The only plea urged by the learned counsel for the petitioner is that the impugned order was passed without giving any opportunity of representing the case of the petitioner. On perusal of the impugned order, it is evident that the petitioner was set *ex parte* on 06-10-1993, therefore, it is expedient that the petitioner be heard in the matter.

In the circumstances, the impugned order is set aside and the matter is remanded to the file of the 1st respondent for consideration afresh after affording opportunity of hearing to the petitioner and pass appropriate orders thereon within a period of three months from the date of receipt of a copy of this order. The interim order shall continue till then.

In the result, the writ petition is allowed. No costs.

_____

kvr/nrg 1st July, 2004

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this the Thursday the 1st day of July two thousand and four.

_____

ASSISTANT REGISTRAR

1st July, 2004.

// True Copy //

Section Officer

To

1. The Authority under Minimum Wages Act, 1948

and Assistant Commissioner of Labour,

2nd circle, Guntur.

2. Assistant Labour Officer and Inspector

under Minimum Wages Act, 1948,

Guntur.

3. Two C.Cs to the G.P. for Labour, AP High Court

Buildings, High Court of A.P., Hyderabad (O.U.T.)

4. Two C.D.Copies.